

Message Text

CONFIDENTIAL

PAGE 01 MANILA 18839 01 OF 03 291123Z
ACTION EA-12

INFO OCT-01 HA-05 ISO-00 CIAE-00 DODE-00 PM-05 H-01
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02
SS-15 USIA-06 /064 W
-----129143 291142Z /10
P 291013Z NOV 77
FM AMEMBASSY MANILA
TO SECSTATE WASHDC PRIORITY 8524

C O N F I D E N T I A L SECTION 1 OF 3 MANILA 18839

E.O. 11652: GDS
TAGS: SHUM, RP
SUBJECT: AQUINO CASE UPDATE

REF: MANILA 18745

1. SUMMARY: MANILA PRESS NOVEMBER 29 VIGOROUSLY ATTACKED STATE DEPARTMENT STATEMENT OF NOVEMBER 26 EXPRESSING CONCERN OVER THE AQUINO SENTENCE. MILITARY TRIBUNAL PRESIDENT PUBLICLY OFFERED TO TURN OVER CASE RECORDS TO STATE DEPARTMENT, WHILE COLUMNISTS DENOUNCED USG "INTERFERENCE" AND CLAIMED IT PROVED AQUINO WAS A CIA AGENT. THE MILITARY IS PREPARING TRANSCRIPTS OF THE COURT RECORDS FOR REVIEW, AND THE SUPREME COURT HAS AGREED TO HEAR AQUINO'S MOTHER'S PETITION TO STALL THE REVIEW. EMBOFFS TALKED WITH AQUINO'S LAWYERS, WHO REPORT THAT NINOY IS IN FIGHTING SPIRIT. END SUMMARY.

2. REACTION TO STATE DEPARTMENT COMMENT. MANILA MEDIA COVERAGE OF AQUINO CASE MORNING NOVEMBER 29 FOCUSSED ON LOCAL REACTION TO STATE DEPARTMENT SPOKESWOMAN'S STATEMENT THAT "WE ARE DISTURBED BY THE SENTAENCE MR. AQUINO RECEIVED." PRESIDENT OF AQUINO'S MILITARY TRIBUNAL TOLD PRESS CONFERENCE HIS COMMISSION HAD HELD EMERGENCY MEETING AND WAS ASKING DEFENSE SECRETARY ENRILE TO DECLASSIFY TRIAL RECORDS "FOR EVENTUAL TRANSMITTAL TO THE UNITED STATES' STATE DEPARTMENT." TRIBUNAL PRESIDENT
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MANILA 18839 01 OF 03 291123Z

BG JOSE SYJUCO TOLD PRESS THE "PERSISTENT REFUSAL ON THE PART OF MR. AQUINO (TO PRESENT EVIDENCE) HAS LEFT THE COMMISSION NO CHOICE BUT TO DECIDE ON THE BASIS OF THE VIDENCE PRESENTED BU THE PROSECUTION, WHICH OVERWHELMINGLY POINTED TO HIS BEING GUILTY."

3. FORMER SENATOR ARTURO TOLENTINO, REGARDED AS PRO-REGIME

LEGAL EXPERT, TOLD RADIO INTERVIEW PROGRAM EVENING NOVEMBER 28 THAT AQUINO CASE IS A LOCAL MATTER AND "IS NOT A MATTER FOR THE STATE DEPARTMENT...TO COMMENT ON." HE ALSO OBJECTED TO DEPARTMENT'S STATEMENT ON GROUNDS THAT VERDICT WAS NOT YET FINAL: "WE DON'T EVEN KNOW WHAT THIS IS GOING TO BE IN THE END -- WHETHER IT MIGHT EVEN BE AN ACQUITTAL OR A DIFFERENT PENALTY MIGHT BE INVOKED." TOLENTINO ADDED, "I DON'T THINK THAT THE OFFICIAL QUOTED IN THE PRESS DISPATCHES IS REALLY A HIGH-RANKING OFFICIAL WHO KNOWS WHAT IS HAPPENING HERE."

4. NEWSPAPER COLUMNISTS TEODORO VALENCIA AND JESUS BIGORNIA TOOK MUCH LESS MODERATE POSITIONS, APPARENTLY BELIEVING THAT SPOKESWOMEN'S STATEMENT CONTAINED A DEMAND FOR CLEMENCY. (COMMENT: WE ASSUME THIS MISUNDERSTANDING IS BASED UPON UPI WRITE-UP WHICH APPEARED IN STARS AND STRIPES. FOLLOWING QUOTES FROM DEPARTMENT'S STATEMENT, ARTICLE WENT ON: "IT WAS NOT KNOWN IF ANY DIRECT APPEAL FOR CLEMENCY HAD YET BEEN MADE BY THE ADMINISTRATION ON BEHALF OF AQUINO THROUGH DIPLOMATIC CHANNELS.") BOTH VALENCIA AND BIGORNIA ALSO ALLEGED THAT DEPARTMENT'S INTERCESSION CONFIRMED THAT AQUINO HAD BEEN A CIA AGENT.

5. VALENCIA ARGUED THAT, "ALL ALONG, SINCE 1972, THE AMERICAN LINE HAS BEEN THAT THE PRESIDENT IS A DICTATOR. ... NOW THE AMERICAN STATE DEPARTMENT, SOME AMERICAN COLUMNISTS, THE NEW YORK TIMES AND THEIR AGENT, RAUL MANGLAPUS, WANT CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MANILA 18839 01 OF 03 291123Z

PRESIDENT MARCOS TO STOP THE JUDICIAL PROCESS AND EXTEND CLEMENCY TO EX-SENATOR AQUINO. THAT SHOULD MAKE HIM A 14-KT DICTATOR, A MAN WHO NEGATES THE JUDICIAL PROCESS AND TRANSGRESSES ON THE CIVIL RIGHTS OF AQUINO." ELSEWHERE IN VALENCIA'S LONG COLUMN, HE ASKS, "IS IT POSSIBLE THE STATE DEPARTMENT FEELS THAT BY DIRECT INTERVENTION, IT CAN FRIGHTEN OUR SUPREME COURT AND THE MILITARY COURT OF APPEALS INTO REVERSING THE ORIGINAL VERDICT?" VALENCIA ALSO INSISTS "PRESIDENT MARCOS CAN'T GIVE AQUINO EXECUTIVE CLEMENCY BEFORE HE IS FINALLY CONVICTED. WHY DON'T THE AMERICANS UNDERSTAND THAT? IS THAT NOT IN THEIR SYSTEM? CAN THE PRESIDENT OF THE UNITED STATES EXTEND A PARDON TO ONE WHO HAS NOT

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 MANILA 18839 02 OF 03 291240Z
ACTION EA-12

INFO OCT-01 ISO-00 HA-05 CIAE-00 DODE-00 PM-05 H-01
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02
SS-15 USIA-06 /064 W
-----129700 291257Z /44

P 291013Z NOV 77
FM AMEMBASSY MANILA
TO SECSTATE WASHDC 8525

C O N F I D E N T I A L SECTION 2 OF 3 MANILA 18839

YET BEEN FINALLY SENTENCED? IF THEY ARE INSISTING ON CLEMENCY
AT THIS POINT, THEY ARE INSULTING TWO PEOPLE, AQUINO AND
PRESIDENT MARCOS, AND WORSE, THE INTELLIGENCE OF THE FILIPINO
PEOPLE AND THE WORLD'S."

6. BIGORNIA, WHO OFTEN REFLECTS THE MILITARY VIEWPOINT, WAS
EVEN MORE INDIGNANT. "THE CASE AS IT PERTAINS
TO LT. CORPUZ
AND COMMANDER DANTE (BUSCAYNO) SHOULD HAVE ... RATED MENTION
BY THE SPOKESWOMAN IF STATE'S CHIEF INTEREST HINGED ON THE
PROTECTION OF HUMAN RIGHTS. THE REACTION, THEREFORE, OPENS
STATE TO CHARGES OF POLITICAL MOTIVATIONS." BIGORNIA CONTINUES
THAT THE STATEMENT "IS FRAUGHT WITH GRAVE FOREBODINGS. IT
REVEALS A DEEP-ROOTED DISPLEASURE WITH PHILIPPINE AUTHORITIES.
IT ALSO SHOWS A READINESS TO ASSIST AN AVOWED ANTAGONIST OF
THE PRESENT ORDER HERE. THE GOVERNMENT, THEREFORE, IS WITHIN
ITS REIGHT TO DEEM IT INTERVENTION -- A MILD FORM OF MEDDLING
-- IN DOMESTIC JUDICIAL PROCEEDINGS. AMERICANS HAVE ONCE
AGAIN SHOWN ONE MORE PROOF OF THEIR INABILITY TO JUDGE THE
FILIPINO CHARACTER. IN ISSUING THE STATEMENT, ASIAN SENSI-
BILITIES HAVE BEEN TOUCHED AT A RAW SPOT. ... THE STATEMENT,
THEREFORE, MAY HAVE TRIGGERED A COMPLETE REVERSAL IN THE
PHILIPPINES POLICY VIS-A-VIS THE UNITED STATES. ... IT IS
SAFE TO SAY EVEN NOW THAT THE PRESIDENT IS REVIEWING ALL
HIS OPTIONS IN THE EVENT THAT MILITARY TIES WITH THE UNITED
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MANILA 18839 02 OF 03 291240Z

STATES, NOW A PROBABILITY, MAY HAVE TO BE SEVERED. ... JUST
WHEN RELATIONS BETWEEN THE PHILIPPINES AND THE UNITED
STATES HAD IMPROVED SUFFICIENTLY ENOUGH TO PERMIT RESUMPTION
OF BILATERAL TALKS LEADING TO REVISION OF MILITARY BASES AND
OTHER AGREEMENTS BETWEEN THE TWO COUNTRIES, THIS UNFORTUNATE
STATEMENT HAD TO SURFACE. THERE IS NO PREDICTING WHERE
IT WILL FINALLY (TAKE) BOTH GOVERNMENTS. BUT MANY IN GOVERN-
MENT ARE ALREADY SHAKING THEIR HEADS, ANTICIPATING ALIENATION
OF TRADITIONAL PHILIPPINE AFFECTIONS FOR AMERICA AND THE

AMERICANS."

7. STATUS OF LEGAL REVIEW. JUDGE ADVOCATE GENERAL DIMAYA, IN A FURTHER ATTEMPT TO CLARIFY THE COMPLICATED APPEALS PROCEDURE, TOLD A PRESS CONFERENCE NOVEMBER 29 THAT THE DEATH VERDICT WAS "NOT SELF-EXECUTORY BUT MERELY RECOMMENDATORY." THE AQUINO CASE WILL BE "AUTOMATICALLY REFERRED FOR REVIEW BY THE JAG OFFICE TO THE SECRETARY OF NATIONAL DEFENSE, WHO HAS CREATED FOR THE PURPOSE BOARDS OF MILITARY REVIEW IN HIS OFFICE." IF THE MILITARY REVIEW BOARDS AND THE DEFENSE SECRETARY CONCUR WITH THE DEATH SENTENCE, HE SAID, IT IS AUTOMATICALLY REFERRED TO THE PRESIDENT FOR FINAL ACTION. HOWEVER, WHEN AND IF THE COURT OF MILITARY APPEALS (COMA) IS ORGANIZED UNDER PD 1199, THE CASE WILL AUTOMATICALLY BE REFERRED TO THE COMA AND, IF NECESSARY, TO THE SUPREME COURT FOR FINAL REVIEW. DIMAYA ADDED THAT "IF THE SUPREME COURT AFFIRMS THE DEATH SENTENCE, AQUINO CAN STILL BE PARDONED BY THE PRESIDENT AS PROVIDED FOR UNDER THE CONSTITUTION." DIMAYA SAID THAT DEFENSE SECRETARY ENRILE HAD "ORDERED HIM TO EXPEDITE PREPARATION OF AQUINO'S RECORDS" SO THAT "BY THE WEEKEND WE WILL BE ABLE TO SUBMIT THE COMPLETE RECORDS OF THE CASE TO THE DEFENSE SECRETARY FOR REFERRAL TO THE PROPER APPELLATE COURT OF REVIEW."

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MANILA 18839 02 OF 03 291240Z

8. MEANWHILE, ACCORDING TO EVENING PAPERS NOVEMBER 29, THE SUPREME COURT SET A HEARING FOR 3 P.M. TODAY FOR TWO PETITIONS BY AQUINO'S MOTHER TO RESTRAIN THE MILITARY COURTS FROM REVIEWING THE TRIBUNAL'S DECISION. MRS. AQUINO HAS REQUESTED A FIVE-DAY DELAY IN COURT PROCEEDINGS TO ALLOW THE DEFENSE TO ARGUE THE CASE FURTHER.

9. AQUINO'S REACTION. EMBOFFS VISITED HOME OF SENATOR SALONGA NOVEMBER 28 AND SPOKE WITH SALONGA AND SENATOR RODRIGO, DEFENSE ATTORNEYS FOR AQUINO, AND BRIEFLY WITH AQUINO'S WIFE. THE TWO LAWYERS WERE STILL STUNNED BY WEEKEND EVENTS AND HAD BARELY BEGUN PLANNING FURTHER STRATEGY. SALONGA WAS EXTREMELY CYNICAL ABOUT THE MILITARY REVIEW PROCESS AND EXPRESSED CONCERN THAT AQUINO'S CASE MIGHT GO TO THE END OF THE WAITING LIST FOR SUPREME COURT REVIEW, WHICH MIGHT TAKE YEARS, UNLESS THE DEFENSE ACTIVELY APPEALS THE CASE. SALONGA ALSO WORRIED THAT THE FACT THAT BUSCAYNO AND CORPUS HAD ALSO BEEN SENTENCED TO DEATH IN THE SAME CASE WOULD COMPLICATE ANY

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 MANILA 18839 03 OF 03 291136Z
ACTION EA-12

INFO OCT-01 ISO-00 HA-05 CIAE-00 DODE-00 PM-05 H-01
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02
SS-15 USIA-06 /064 W
-----129236 291140Z /10

P 291013Z NOV 77

FM AMEMBASSY MANILA
TO SECSTATE WASHDC PRIORITY 8526

C O N F I D E N T I A L SECTION 3 OF 3 MANILA 18839

CONSIDERATION OF CLEMENCY. NEITHER SALONGA NOR RODRIGO WERE WILLING TO PREDICT THE FUTURE OF THE CASE/"MRS. AQUINO APPEARED TO BE IN GOOD SPIRITS AND SAID HER HUSBAND WAS ALSO. SHE SAW HIM BOTH SATURDAY AND SUNDAY (HIS BIRTHDAY). SHE AND RODRIGO HAD JUST COME FROM HIS QUARTERS WHERE AQUINO HAD SINGED "A LETTER TO THE SUPREME COURT" WHICH EMOTIONALLY CLAIMED THAT HE WAS DENIED A FINAL CHANCE TO DEFENS HIMSELFBY BEING KEPT IN HIS CELL DURING THE FINAL AFTERNOON SESSION NOVEMBER 25. COPIES OF THE MIMEOGRAPHED LETTER WERE BEING PASSED TO FOREIGN CORRESPONDENTS.

10. RODRIGO SAID HE AND AQUINO AGREED THAT THE TIMING OF THE VERDICT WAS THE RESULT OF OVERZEALOUS IMPLEMENTATION OF MARCOS' ORDERS TO SPEED UP THE TRIAL. SALONGA, ON THE OTHER HAND, FELT THAT THE SHOLE PROCESS WAS BEING FULLY ORCHESTRATED BY MARCOS. RODRIGO ALSO ADVANCED THE THEORY THAT TRIBUNAL PRESIDENT SYJUCO, THE ONLY TRIBUNAL MEMBER TO REMAIN ON THE CASE FROM START TO FINISH, IS DUE TO RETIRE IN DECEMBER, AND THAT MARCOS WISHED TO COAT THE BITTER PILL WITH SYJUCO'S LONGEVITY AND PRESTIGE.
NEWSOM

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PRESS COMMENTS, CAPITAL PUNISHMENT, COURT DECISIONS, POLITICAL PRISONERS
Control Number: n/a
Copy: SINGLE
Sent Date: 29-Nov-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977MANILA18839
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770441-0943
Format: TEL
From: MANILA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t1977119/aaaaahbd.tel
Line Count: 263
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: adce5a20-c288-dd11-92da-001cc4696bcc
Office: ACTION EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 MANILA 18745
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 20-Sep-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 695188
Secure: OPEN
Status: NATIVE
Subject: AQUINO CASE UPDATE
TAGS: SHUM, SOPN, RP, (AQUINO, BENIGNO)
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/adce5a20-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009